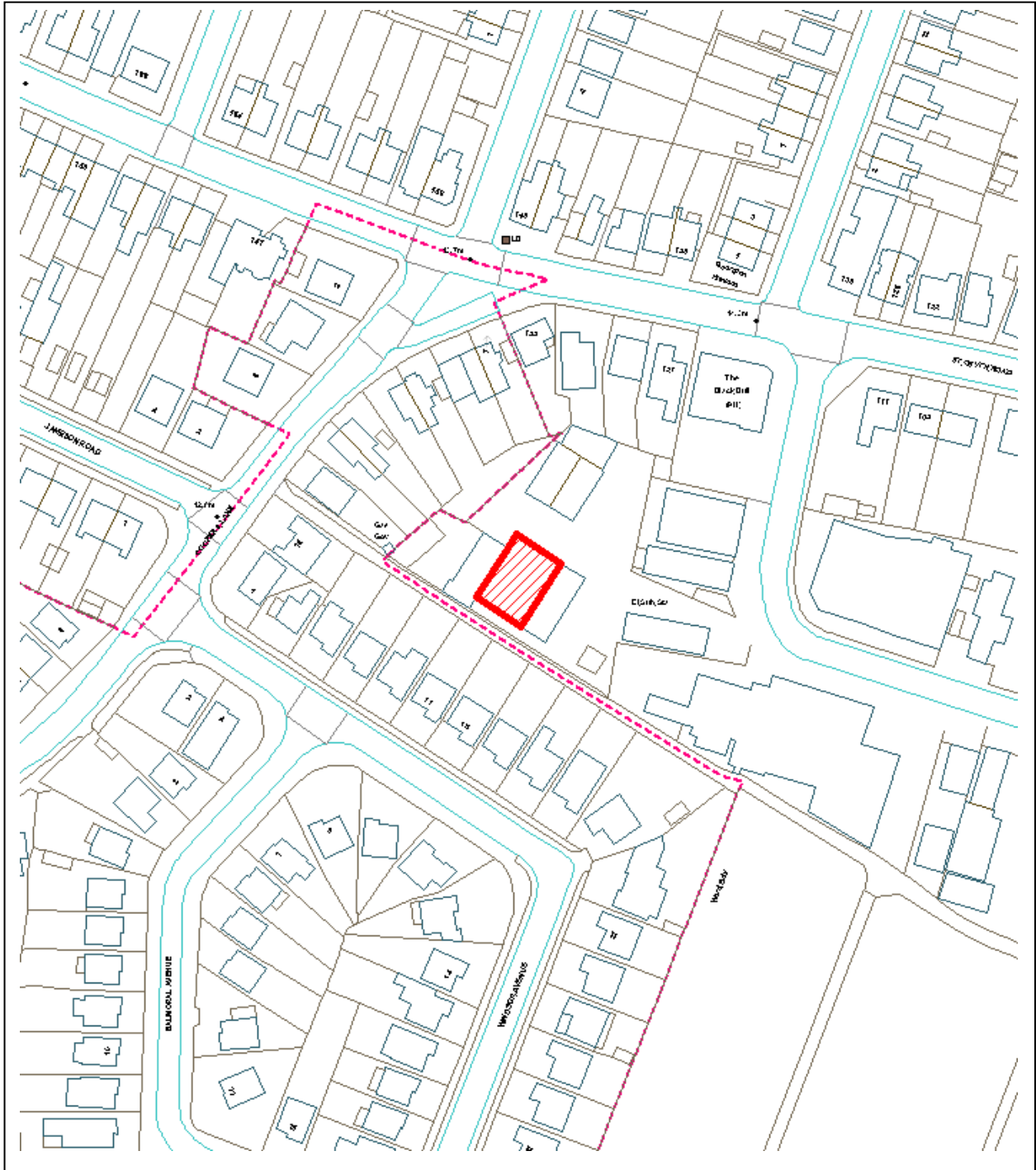


PLANNING COMMITTEE

28 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.7 PLANNING APPLICATION - 11/00241/FUL – UNIT 2 - 3 NEWMANS ESTATE,
FORD ROAD, CLACTON ON SEA**



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| Application: | 11/00241/FUL | Town / Parish: Clacton Non Parished |
| Applicant: | Mr Wayne Tappin | |
| Address: | Unit 2 - 3 Newmans Estate Ford Road | |
| Development: | Change of use to Martial Arts Centre. | |

1. Executive Summary

- 1.1 The use is a town centre use, that national policy and the Development Plan require to be sited in town centres. The applicant has demonstrated that no town centre site is available and that the proposed site is sequentially the best available that would meet the needs of the proposed use and its business model. The site is accessible by a variety of means of transport. The proposal does not materially harm highway safety or neighbours' amenities, and complies with adopted parking standards. The application is therefore an acceptable departure from the Development Plan.

Recommendation: Approve

Conditions:

- Time limit.
- No change to other D1 use.

Reason for approval:

No town centre site is available and that the proposed site is sequentially the best available that would meet the needs of the proposed use and its business model. The site is accessible by a variety of means of transport. The proposal does not materially harm highway safety or neighbours' amenities, and complies with adopted parking standards.

2. Planning Policy

National Policy:

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

Local Plan Policy:

Tendring District Local Plan 2007

QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses

| | |
|-------|------------------------------------|
| ER31 | Town Centre Hierarchy and Uses |
| ER32a | Primary Shopping Area |
| TR1A | Development Affecting Highways |
| TR6 | Provision for Public Transport Use |
| TR7 | Vehicle Parking at New Development |

Core Strategy and Development Policies Proposed Submission Draft

| | |
|-----|---------------------------|
| DP1 | Design of New Development |
|-----|---------------------------|

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. Assessment

The main planning considerations are:

- Context and Policy Principle;
- The sequential site approach;
- Impact on the vitality and viability of an existing centre;
- Accessibility;
- Highway Safety and Parking, and;
- Other considerations.

4. Context and Policy Principle

4.1 Newman's Estate is located in the Ford Road Industrial Estate. It comprises of a small business yard, originally of 6 small single-storey units sharing a single access, parking and manoeuvring area. The units were built under planning permissions TEN/1256/80 and TEN/313/87 as light industrial units and there have been no subsequent applications for change of use. The actual use of the units is unclear on the site with the exception of one unit that is occupied by the 'European Traditional Wing Chug Kung Fu' centre. The application site consists of Units 2 and 3 that have been vacant since 2005.

4.2 Both the adopted Tendring District Local Plan and PPS4 – 'Planning for Sustainable Economic Growth' define leisure uses as being town centres uses. In this context, the proposal must be considered against town centre policies. Both government guidance in PPS4 and adopted Tendring District Council policy in ER32 of the Local Plan state that proposals for town centre uses outside existing town centres will be considered against;

- a. A sequential site approach that demonstrates this is the most sustainable location available. A proposal that satisfies this will only be permitted providing (amongst other things) that;
- b. It does not individually or cumulatively with other committed development materially harm the vitality and viability of an existing centre
- c. It is accessible by a choice of means of transport, including public transport links.

4.3 This approach is supported by a raft of other local and national policies and guidance. The applicant has previously applied for the same use at the same site

(application10/00026/FUL). That application was refused because the applicant had failed to address the above policy requirements. The degree to which the applicant has addressed this previous reason for refusal is critical to the determination of this application.

The sequential site approach

- 4.4 This requires the applicant to demonstrate that the site could not be located within the town centre or close to it. The applicant has undertaken such a sequential test that concluded that there is no sequentially preferable site to the one proposed. The Regeneration department of the Council confirm that they are not aware of any sites that are sequentially preferable and therefore support this application. These comments must be given material weight.

Impact on the vitality and viability of an existing centre

- 4.5 Town centres rely on there being a critical mass in the variety and number of different retail and leisure uses. A martial arts centre has the potential not only to generate economic activity and vitality for itself, but to the whole town centre. Customers visiting the Martial Art Centre may combine such a visit with a meal or drinks out for example. A successful Martial Arts centre outside of the town centre would therefore theoretically come, to some degree, at the expense of the town centre's vitality. However, as the sequential test and comments from the Regeneration department of the Council show that there is no available site within the town centre that meets the applicant's needs.

Accessibility

- 4.6 The town centre is the most accessible location. It is central to the population areas of the town, maximising potential for cycling and pedestrian access and is the hub for public transportation with its train station and bus station that are the final destination for most local bus routes. The town centre is therefore the preferred location for such development. That said, the application site is only 5 minutes walk from the edge of the town centre as defined by the Local Plan Proposal Map. It is closer to Clacton Train Station than many parts of the town centre are. A bus stop to/from the town centre is just 2 minutes walk away and bus stops serving the other routes into/out of the town centre are just 15 minutes walk away. In this context, the proposal is considered to be reasonably accessible.

Highway Safety and Parking

- 4.7 The number of comings and goings for a martial arts centre would undoubtedly be greater than that which would exist for a light industrial use. The applicant has stated that most customers would walk and that those that came by car would mostly be dropped off on Ford Road.
- 4.8 The red line of the application site does not include vehicular access or a parking area. The applicant states that parking in Newman's Yard is available on a communal basis, with a total of 25 spaces shared and 5 spaces accepted as the norm for each unit. The applicant has provided no timetable of activity and so it cannot be assumed that classes will only take place at evenings and weekends when other surrounding businesses are closed – indeed the applicant has stated that the hours of opening could extend from 08:00 to 22:00. The applicant has also provided no details of the number of customers or staff that could be present at any one time, only indicating that a total of 8 staff will be employed. This lack of information makes it difficult to assess the proposal's impact on parking.
- 4.9 Customers (and staff) will therefore have the choice of walking, cycling, using public transport or being dropped off / picked up by car. Those that choose to park their car will

need to either secure one of the existing parking spaces in Newman's Yard or park on-street in locations without parking restrictions. There are no such locations within the immediate vicinity of the site and so such on-street parking is likely to be quite dispersed.

- 4.10 Whilst the likely increase in vehicular activity and on-street parking is not ideal and the lack of clarity provided by the applicant is unhelpful, the impact of the proposal is unlikely to be materially harmful. This view is supported by the highway authority which has no objection. Furthermore, it is a material consideration that the Council has no minimum parking standards for such development and that previous application 10/00026/FUL was not refused on highway safety grounds.

Other Considerations

- 4.11 No part of the application site or its access is within 20 metres of the nearest dwelling house. It is furthermore noted that the industrial building is not restricted by planning conditions in terms of its operating hours or noise levels. In this context, it is not considered that there would be any increase in noise levels that could not be controlled through Environmental Health legislation.
- 4.12 Two letters of objection have been received. Objections raised focus on the perceived increase in parking, congestion and perceived impact on highway safety that would result from the proposal. These matters have been addressed within the previous section of this report.
- 4.13 One objector runs their business from an adjacent unit and notes the difficulties he and his customers have in accessing the shared access and parking area because of parked cars and that there may be conflicts with the fire escape and his truck parking/unloading area. These are private matters to do with the management of the internal driveway and parking area and not to do with the planning merits of the application. Issues relating to crime are also raised, but officers do not agree that bringing more people onto the site increases the likelihood of crime. On the contrary, increased activity on the site improves natural surveillance and reduces the likelihood of crime.

Background Papers

None